

S. D. H. 4/19/04

PATENT TRADEMARK CERTIFICATE OF MAILING

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"Commissioner for Patents
Washington, D.C. 20231"

on May 6, 2002

J. McGowan
Gerard J. McGowan, Jr.
Reg. No. 29,412

5/6/02
Date of Signature

PATENT

Case No. C6583(C)

#9/
Petition
to Withdraw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Giblin et al.
Serial No.: 09/686,325
Batch No.:
Filed: October 11, 2000
For: FITMENT AND BOTTLE

Group: 3754
Examiner: T. Bui
Edgewater, New Jersey 07020

**PETITION TO THE COMMISSIONER UNDER 37 C.F.R. '1.137(b)
TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner of Patents
Washington, D.C. 20231

RECEIVED
MAY 13 2002
OFFICE OF PETITIONS

Sir:

An Office Action was mailed in the above-identified application on May 23, 2001.

Applicants enclose copies of an amendment which was mailed October 23, 2001 together with a transmittal letter and a request for a two month extension of time.

These documents included certificates of mailing. Applicants received a postcard

receipt dated January 4, 2002 evidencing receipt of the amendment, transmittal letter and extension on January 4, 2002.

Applicants have received a Notice of Abandonment dated December 28, 2001. Since an amendment was timely mailed using a Certificate of Mailing, and was eventually received by the Patent Office, it is respectfully requested that the application should not have been abandoned and should be revived. Therefore, please withdraw the holding of abandonment for the application.

There was no intention to abandon this application, as evidenced by the timely mailed response.

In the event that there is any fee for this action, please charge our deposit account number 12-1155 (or credit overpayment).

Respectfully submitted,



Gerard J. McGowan
Registration No. 29,412
Attorney for Applicant(s)

GJM/pod
(201) 840-2297

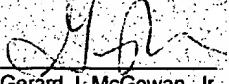


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"Commissioner for Patents"
Washington, D.C. 20231

on October 23, 2001


Gerard J. McGowan, Jr.
Reg. No. 29,412

Date of Signature

10/23/01

PATENT

UNUS #Y2-D002-EDG
CASE #C6583(C)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Giblin et al.
Serial No.: 09/686,325
Filed: October 11, 2000
For: FITMENT AND BOTTLE

Group: 3754
Examiner: T. Bui
Edgewater, New Jersey 07020

AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed May 23, 2001, a two month extension of time for response to which is being requested, please amend the application as follows:

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MAY 13 2002
OFFICE OF PETITIONS

In the claims:

Please amend claims 7 and 28 as follows:

7. (Amended) The container according to claim 2 further including at least one further product exit aperture in said fitment.

28. (Amended) The container according to claim 18 further including at least one further product exit aperture in said fitment.

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 7 has been amended, as supported on page 13, to recite that at least one further product exit aperture is in the fitment. Claim 28 has likewise been amended. It is believed that this obviates the Section 112 rejection as to those claims.

Claim 1 recites an exit in line 15. In claim 2, the first channel leads to the first product exit aperture. The recitation in claim 1 is to a generic exit and in claim 2 the exit is the specific exit recited, the first product exit aperture. It is believed that one of ordinary skill would well understand from the claim that claim 1 is not meant to specify a specific exit whereas in claim 2 a specific exit is specified. Therefore, it would appear that the claim is sufficiently definite for one of ordinary skill to understand what constitutes the invention and it is respectfully requested that the rejection be withdrawn.

Arnold et al., U.S. Patent No. 5,855,299 is apparently cited for its teaching of pouring aperture 28 in their fitment. The Office is unable to point to any teaching by Arnold et al. of a first finish locking surface which includes a first channel leading from a reservoir to an exit from the bottle (claim 1). Nor has the Office pointed to any teaching by Arnold et al. of a finish locking surface including a channel leading from a reservoir to an exterior of the container at the top of the bottle. The Office apparently relies on Yang to remedy these deficiencies. The structure pointed to by the Office is a drive means which comprises a lug containing a plurality of elongated slits 172. However, the Office point to no teaching by Yang as to the purpose of the slits. It would take some hindsight reconstruction of the references to suggest that one of ordinary skill would be led naturally by Arnold et al. and Yang, without the teachings of the present

invention, to modify Arnold et al.'s container to include channels in inwardly extending locking ridges. For instance, since Arnold et al. already include aperture 28 it is not apparent what teaching in Yang would lead one of ordinary skill to include a channel in any locking surfaces. Especially is this so since the present invention is directed to a problem, apparently not at all germane to Arnold et al. drive means, that of minimizing liquid caught in a reservoir when the container is inverted. Therefore, it is respectfully requested that the Section 103 rejection be withdrawn.

Applicants include a copy of the drawings showing proposed additional reference numerals in red. As pointed out by the Office, these reference numerals are mentioned in the specification.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With
Markings To Show Changes Made."

In view of the foregoing, it is respectfully requested that the application, as amended, be respectfully submitted.

Respectfully submitted,



Gerard J. McGowan, Jr.
Attorney for Applicant(s)
Reg. No. 29,412

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Please amend claims 7 and 28 as follows:

7. (Amended) The container according to claim 2 further including at least one further product exit aperture in said fitment.

28. (Amended) The container according to claim 18 further including at least one further product exit aperture in said fitment.

FIG. 3

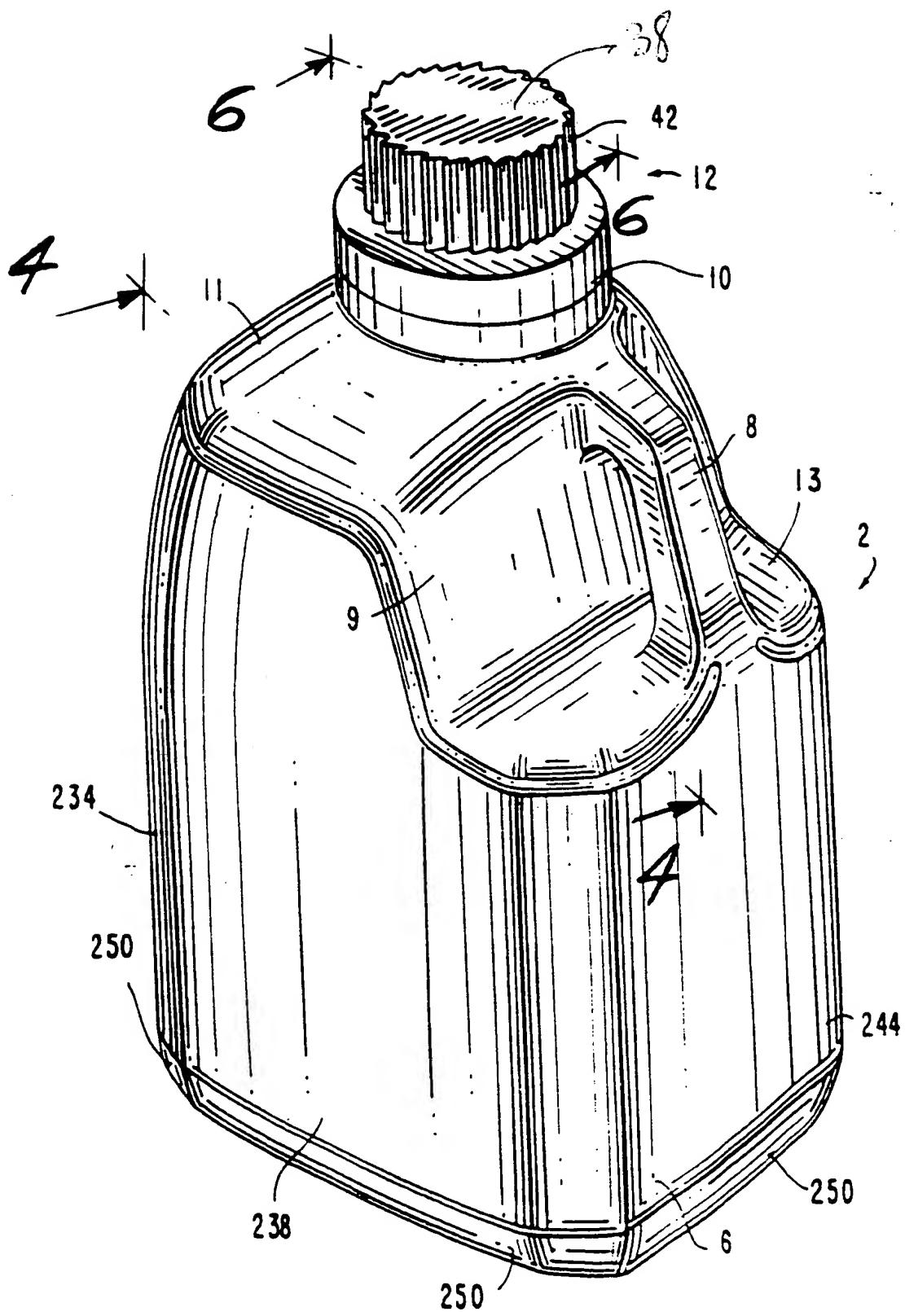
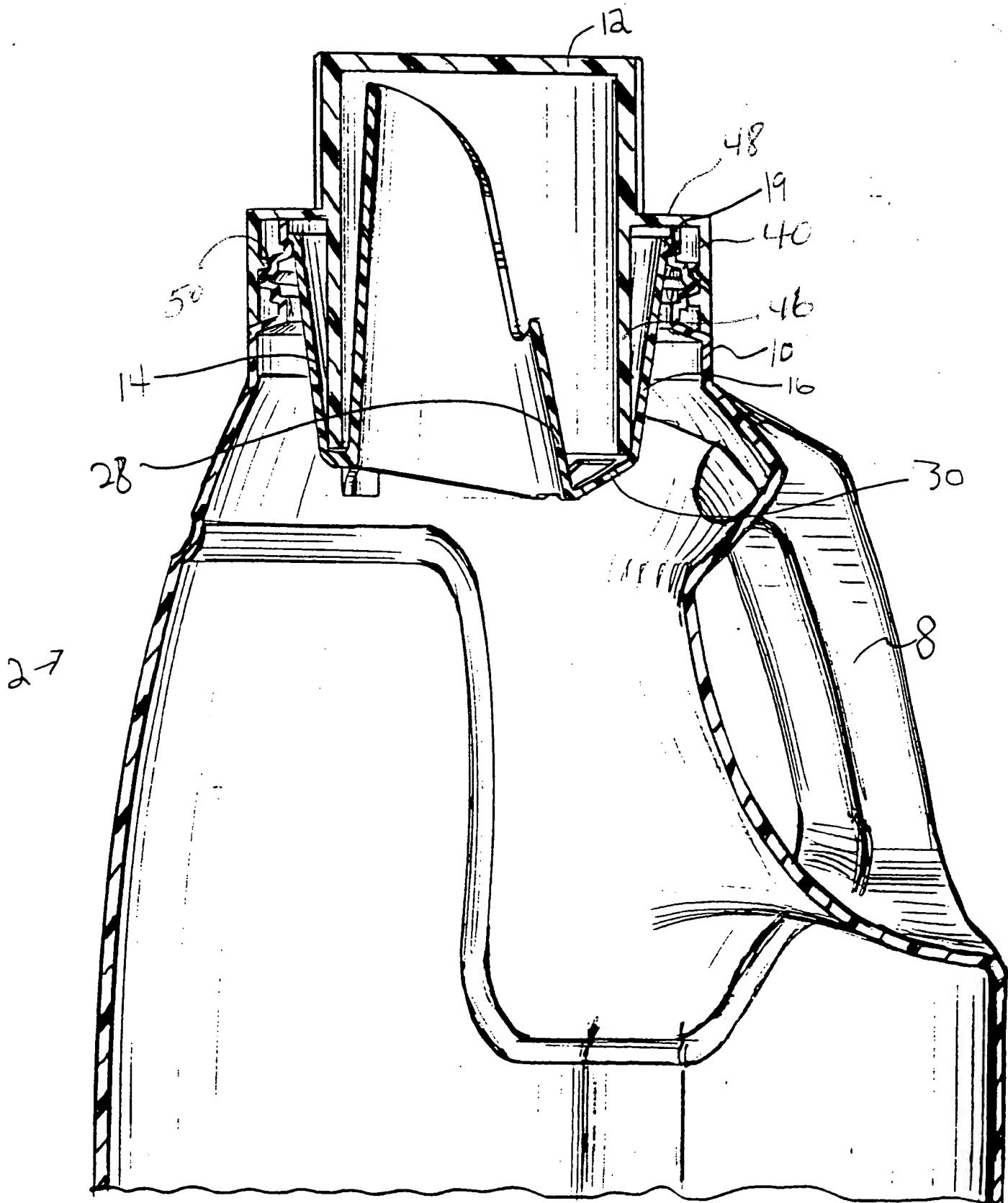


FIG. 4



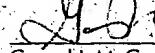
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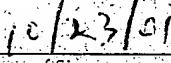
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Gerard J. McGowan, Jr.
Attorney of Record
Reg. No. 29,412


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PATENT

CASE #C6583(C)
UNUS # Y2-D002-EDG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Giblin et al.
Serial No.: 09/686,325
Filed: October 11, 2000
For: FITMENT AND BOTTLE

Group: 3754
Examiner: T. Bui
Edgewater, New Jersey 07020

PETITION FOR EXTENSION OF TIME TO FILE A RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants petition the Commissioner for Patents to extend the time to file a Response two months from August 23, 2001 to October 23, 2001.

Please charge Deposit Account No. 12-1155 in the amount of \$400.00 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to this deposit account. This request is being submitted in triplicate.

Respectfully submitted,


Gerard J. McGowan, Jr.
Attorney for Applicant
Registration No. 29,412

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(201) 840-2297

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

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on October 23, 2001


GERARD J. MCGOWAN
Reg. No. 29,412
Attorney for Applicant(s)

10/23/01
Date of Signature



In re application of: Giblin et al.
Serial No.: 09/686,325
Filed: October 11, 2000
For: FITMENT AND BOTTLE

Group: 3754
Examiner: T. Bui
Edgewater, New Jersey 07020

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED

	(2) * Claims Remaining After Amendment		(4)** Highest No. Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims		Minus			\$ 18.00	
Independent Claims		Minus			\$ 84.00	
Multiple Claims					\$ 280.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 

*If the entry in Column (2) is less than the entry in Column (4), write "0" in Column (5).

**If the "Highest No. Previously Paid For" is less than "20," write "20" in this space.

Charge \$_____ to Deposit Acct. #12-1155. Triplicate copies of this letter are enclosed.

The Commissioner is hereby authorized to charge any additional fees, which may be required to our deposit account No. 12-1155, including all required fees under

- 37 C.F.R. § 1.16;
- 37 C.F.R. § 1.17;
- 37 C.F.R. § 1.18.

Triplicate copies of this letter are enclosed.

GJM/pod
(201) 840-2297


Gerard J. McGowan
Attorney of Record
Reg. #29,412